

AMENDED IN SENATE AUGUST 10, 1998

AMENDED IN SENATE JUNE 23, 1998

AMENDED IN ASSEMBLY MAY 22, 1998

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2506**

**Introduced by Assembly Member Battin**

February 20, 1998

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An act to add Sections 13100.1 and 13100.2 to the Penal Code, relating to law enforcement.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2506, as amended, Battin. Law enforcement: criminal records and correctional officers.

Existing law declares the Legislature's intent that the recording, reporting, storage, analysis, and dissemination of criminal offender record information in this state be made more uniform and efficient, and better controlled and coordinated.

This bill would require the Attorney General to appoint an advisory committee, with a specified membership, to the ~~California-Index~~ *California-Criminal Index* and Identification (Cal-CII) system, to assist in the ongoing management of the system regarding the operating policies, criminal records content, and records retention. The committee would serve at the pleasure of the Attorney General and would be

required to meet twice annually. By increasing the duties of local officials required to serve on the advisory committee, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13100.1 is added to the Penal  
2 Code, to read:

3 13100.1. (a) The Attorney General shall appoint an  
4 advisory committee to the California-Criminal Index and  
5 Identification (Cal-CII) system to assist in the ongoing  
6 management of the system with respect to operating  
7 policies, criminal records content, and records retention.  
8 The committee shall serve at the pleasure of the Attorney  
9 General, without compensation, except for  
10 reimbursement of necessary expenses.

11 (b) The committee shall consist of the following  
12 representatives:

13 (1) One representative from the California Police  
14 Chiefs' Association.

15 (2) One representative from the California Peace  
16 Officers' Association.

17 (3) Three representatives from the California State  
18 Sheriffs' Association.

19 ~~(4) One representative from the superior court.~~

20 (4) One trial judge appointed by the Judicial Council.



1 (5) One representative from the California District  
2 Attorneys' Association.

3 (6) One representative from the California Court  
4 Clerks' Association.

5 ~~(7) One representative from the Department of~~  
6 ~~Information Technology who is knowledgeable and~~  
7 ~~experienced in the process of utilizing background~~  
8 ~~clearances.~~

9 ~~(8) One representative from the Judicial Council.~~

10 ~~(9)~~

11 (7) One representative from the Office of Criminal  
12 Justice Planning.

13 (8) One representative from the Chief Probation  
14 Officers' Association.

15 ~~(10)~~

16 (9) One representative from the Department of  
17 Corrections.

18 ~~(11)~~

19 (10) One representative from the Department of the  
20 California Highway Patrol.

21 ~~(12)~~

22 (11) One member of the public, appointed by the  
23 Senate Committee on Rules, who is knowledgeable and  
24 experienced in the process of utilizing background  
25 clearances.

26 ~~(13)~~

27 (12) One member of the public, appointed by the  
28 Speaker of the Assembly, who is knowledgeable and  
29 experienced in the process of utilizing background  
30 clearances.

31 SEC. 2. Section 13100.2 is added to the Penal Code, to  
32 read:

33 13100.2. (a) The designee of the Attorney General  
34 shall serve as chair of the committee.

35 (b) The Department of Justice shall provide staff and  
36 support for the committee.

37 (c) The committee shall meet at least twice annually.  
38 Subcommittees shall be formed and meet as necessary.  
39 All meetings shall be open to the public and reports shall

1 be made available to the Legislature and other interested  
2 parties.

3 SEC. 3. Notwithstanding Section 17610 of the  
4 Government Code, if the Commission on State Mandates  
5 determines that this act contains costs mandated by the  
6 state, reimbursement to local agencies and school  
7 districts for those costs shall be made pursuant to Part 7  
8 (commencing with Section 17500) of Division 4 of Title  
9 2 of the Government Code. If the statewide cost of the  
10 claim for reimbursement does not exceed one million  
11 dollars (\$1,000,000), reimbursement shall be made from  
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

